

must not grant State and local governments the power to take private property away from one and give it to another, all in the name of economic development. Economic development takings are not necessarily in the essence of public use and, therefore, do not constitute the use of eminent domain.

As Justice Sandra Day O'Connor wrote in her dissent in the case: "The specter of condemnation hangs over all property. Nothing is to prevent the States from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

Madam Speaker, as Members of Congress, we all took oaths to uphold and defend the Constitution. By supporting this bill, Members are fulfilling their constitutional obligations.

This bill, Madam Speaker, is not perfect; but it is needed and it is necessary. I am pleased that the Rules Committee made amendments by our colleagues, Congressman NADLER and Congressman WATT, in order. They and other Members have real concerns with this bill, and their perspectives deserve to be debated and deserve an up-or-down vote.

Madam Speaker, while I would prefer an open rule and I, quite frankly, cannot understand why we do not have an open rule here, the Rules Committee did make all the germane amendments in order, so we are not going to object to this rule.

I have no further speakers. I urge my colleagues on both sides of the aisle to support the underlying bill and to support the rule, and let us move on and get this thing done.

Madam Speaker, I yield back the balance of my time.

Mr. GINGREY. Madam Speaker, I will close the debate by again thanking both the Committees on the Judiciary and Agriculture for all the hard work in bringing this bill to the floor today. H.R. 4128 would restore the centuries-old protections guaranteed by the fifth amendment's takings clause. Property rights have been fundamental to the foundation of our society and have been one of the pillars that have supported our form of government and enabled our Constitution to endure the test of time. While it has only been 4 months since the Kelo decision, 4 months without these fifth amendment protections is 4 months too long; and one abuse of the eminent domain power is one abuse too many.

Therefore, Madam Speaker, following the passage in the House of Representatives today, I would encourage the other body to take up this legislation quickly and to pass it so that we can get it to the President's desk.

I also want to encourage all Members on both sides of the aisle to support this rule and the underlying bill. Let us get this done for the American people because it is simply the right thing to do.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GINGREY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. WALSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion to instruct on H.R. 2528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

MOTION TO GO TO CONFERENCE ON H.R. 2528, MILITARY QUALITY OF LIFE AND VETERANS AFFAIRS APPROPRIATIONS ACT, 2006

Mr. WALSH. Madam Speaker, pursuant to clause 1 of rule XXII and by direction of the Committee on Appropriations, I move to take from the Speaker's table the bill (H.R. 2528) making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH).

The motion was agreed to.

A motion to reconsider was laid on the table.

MOTION TO INSTRUCT OFFERED BY MR. OBEY

Mr. OBEY. Madam Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. Obey moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill, H.R. 2528, be instructed to insist on the House level to support force protection activities in Iraq.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. OBEY. Madam Speaker, I yield myself 9 minutes.

Madam Speaker, let me say that this motion to instruct is, I think, fairly

straightforward and simple, although the context in which it is offered is certainly not.

What this motion attempts to do is simply insist that the \$50 million contained in the House bill, but not contained in the Senate bill, for the purpose of retrofitting existing facilities and constructing special overhead cover devices to protect soldiers in bases throughout Iraq, is maintained.

□ 1045

That overhead cover system would provide protection from artillery, rocket-propelled grenades and missile attack up to and including 122 millimeter rockets. That is virtually exactly what this does.

But let me, in the context of offering this proposal, make a few observations. Even if this motion is adopted, and I would certainly expect that it would be, I think that we still must face the fact that our troops will not be adequately protected, nor will American citizens abroad be adequately protected so long as our Government is still taking actions which discredit this Nation and this Congress is continuing to neglect its oversight responsibilities with respect to those actions.

Let me give three examples. In 2003, it came to the Nation's attention that the Secretary of Defense had established an operation known as the Office of Special Programs, the primary purpose of which was to vet intelligence and advise Pentagon leadership and the White House on plans for invading Iraq. That office was staffed by a select group handpicked by then Under Secretary of Defense Douglas Feith and Deputy Secretary Wolfowitz.

It was charged with developing the rationale for invading Iraq, and it was created out of a frustration on the part of the Vice President and the Secretary of Defense and their allies within the administration, their frustration that the normal intelligence operations in our Government were not being "sufficiently forward leaning," as the Secretary of Defense put it, in finding weapons of mass destruction and in building a case for going to war in Iraq.

The problem is that that office was established to provide information outside of the normal channels, and it was even designed to go around the Department of Defense's own intelligence operation unit.

The problem with that Office of Special Programs is that it relied on so-called intelligence from like-minded true believers, primarily Ahmad Chalabi and his allies in Iraq.

At the time, we asked that the Surveys and Investigations staff of the Appropriations Committee look into this matter and determine what the facts were surrounding the creation of this operation. We obtained some support from the majority party but not sufficient support under the rules of the House in order to allow that surveys and investigation study to proceed, and so it never took place.

Second, earlier this year, the committee became aware of intelligence actions that the Department of Defense was taking, actions of an under-the-table nature, which a number of us felt were highly inappropriate and highly dangerous, classified activities which cannot be discussed in public.

We tried to offer language to assure that in the future such actions would not be undertaken without proper notification to the Congress and to this committee. The fact is that when I offered language to try to do that, I received a phone call from Andy Card, the President's Staff Chief, and in that phone call he told me that if I would withdraw that language he would assure me that this matter would be worked out to the satisfaction of both the executive and legislative branches.

In fact, while we have made some small progress in reaching an understanding on this matter, there are still two very important issues that have not been resolved, that the administration has not agreed to, and they are key issues, including whether or not this Congress will be informed of those activities in a timely fashion so that the information provided to the Congress is, in fact, meaningful.

We are still being stonewalled on that matter, and the Congress still, in my view, has not lived up to its overarching responsibilities on that matter.

Now, yesterday, we see in the Washington Post a story which says CIA holds terror suspects in secret prisons. It notes that close to \$100 million evidently was spent to establish these secret compounds at which detainees were evidently subjected to torture-related activities, including water-boarding, and yet we are told that not a single member of the Appropriations Committee and not a single member of the staff have been told by the CIA that that had been going on.

This committee has an obligation to protect the power of the purse. In my view, until we take action on this matter, we stand vulnerable to the justifiable charge that Congress is ignoring its responsibilities to protect taxpayers' money and to protect the reputation of the United States internationally; And when we do that, we put at risk the very troops that we are trying to protect through this motion this morning.

Madam Speaker, I would hope that this language would be supported by the majority. But I would also hope that this Congress understands that even if it is, we are failing our fundamental responsibility to the American taxpayer if we do not exercise considerably more vigorously than we have up to date our responsibilities to see to it that matters related to Iraq are being handled in a manner which makes certain that the Congress knows what is going on, and gives the Congress an opportunity to try to make certain that what is going on is consistent with American values.

That certainly is not the case when we see these kinds of horrific headlines

in the paper, and I would associate myself with the remarks contained in the editorial in the Washington Post this morning.

Mr. Speaker, I include in the RECORD at this point the editorial which makes clear that Congress has not in any way, shape or form lived up to its responsibilities, and, in my view, they have enabled the administration to continue to cover up its activities with respect to Iraq, its activities with respect to manipulating intelligence, its activities with respect to allowing agencies to engage in conduct not at all consistent with American values or American interests.

[From the Washington Post, Nov. 3, 2005]

REBELLION AGAINST ABUSE

Last month a prisoner at the Guantanamo Bay military base excused himself from a conversation with his lawyer and stepped into a cell, where he slashed his arm and hung himself. This desperate attempted suicide by a detainee held for four years without charge, trial or any clear prospect of release was not isolated. At least 131 Guantanamo inmates began a hunger strike on Aug. 8 to protest their indefinite confinement, and more than two dozen are being kept alive only by force-feeding. No wonder Defense Secretary Donald H. Rumsfeld has denied permission to U.N. human rights investigators to meet with detainees at Guantanamo: Their accounts would surely add to the discredit the United States has earned for its lawless treatment of foreign prisoners.

Guantanamo, however, is not the worst problem. As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons, into which 100 or more terrorist suspects have "disappeared" as if they were victims of a Third World dictatorship. Some of the 30 most important prisoners are being held in secret facilities in Eastern European countries—which should shame democratic governments that only recently dismantled Soviet-era secret police apparatuses. Held in dark underground cells, the prisoners have no legal rights, no visitors from outside the CIA and no checks on their treatment, even by the International Red Cross. President Bush has authorized interrogators to subject these men to "cruel, inhuman and degrading" treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws.

This shameful situation is the direct result of Mr. Bush's decision in February 2002 to set aside the Geneva Conventions as well as standing U.S. regulations for the handling of detainees. Under the Geneva Conventions, al Qaeda militants could have been denied prisoner-of-war status and held indefinitely; they could have been interrogated and tried, either in U.S. courts or under the military system of justice. At the same time they would have been protected by Geneva from torture and other cruel treatment. Had Mr. Bush followed that course, the abuse scandals at Guantanamo Bay and in Afghanistan and Iraq, and the severe damage they have caused to the United States, could have been averted. Key authors of the Sept. 11, 2001, attacks, such as Khalid Sheikh Mohammed and Ramzi Binalshibh, could have been put on trial, with their crimes exposed to the world.

Instead, not a single al Qaeda leader has been prosecuted in the past four years. The Pentagon's system of hearings on the status of Guantanamo detainees, introduced only after a unanimous ruling by the Supreme

Court, has no way of resolving the long-term status of most detainees. The CIA has no long-term plan for its secret prisoners, whom one agency official described as "a horrible burden."

For some time a revolt against this disastrous policy has been gathering steam inside the administration and in the Senate; it is led by senators such as John McCain (R-Ariz.) and by the same military officers and State Department officials who opposed Mr. Bush's decision to disregard the Geneva accords. Their opponents are a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney. According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon's official doctrine for handling detainees. Mr. McCain is seeking to ban "cruel, inhuman and degrading" treatment for all detainees held by the United States, including those in the CIA's secret prisons.

There is no more important issue before the country or Congress. Yet the advocates of decency and common sense seem to have meager support from the Democratic Party. Senate Democrats staged a legislative stunt on Tuesday intended to reopen—once again—the debate on prewar intelligence about Iraq. They have taken no such dramatic stand against the CIA's abuses of foreign prisoners; on a conference committee considering Mr. McCain's amendment, Democratic support has been faltering. While Democrats grandstand about a war debate that took place three years ago; the Bush administration's champions of torture are quietly working to preserve policies whose reversal ought to be an urgent priority.

Madam Speaker, I reserve the balance of my time.

Mr. WALSH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, addressing the substance of this motion, the House included \$50 million in the military quality of life bill for overhead cover systems to support force protection in Iraq. This money provides additional construction funds for protecting soldiers from indirect fire attacks, such as mortars and rockets.

This funding, along with funding that was included in the supplemental bill passed earlier this year for the same purpose, provides the amount the Department of Defense says is needed for these activities.

Unfortunately, the other body did not see fit to include these funds. We still believe additional money is necessary, and we will go into conference supporting the House position.

Madam Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I rise to support my colleague from Wisconsin in his effort to shed some light on a large array of questions that are before us.

This cover-up theme of the cover-up Congress is so pervasive, and it is not just in this body, it seems to be in the other body. The other body in fact recently took some rather extreme parliamentary measures to force the issue, and some called it a gimmick. But it seemed to be the only way to break

through this cover-up, to get answers to questions that we have in our oversight role in the U.S. Congress, to provide a balance of power, to be able to serve the American people as we need to do.

I, for example, have introduced resolutions requesting information about the disclosure of identities of covert agents; and eight times in eight votes here in the House of Representatives those resolutions have been turned down in various committees. Eight times in eight separate votes in various committees, these efforts to get the information that we need in order to exert the oversight, to protect the men and women that we have asked to do dangerous jobs around the world.

Of course, some things clearly have to be kept quiet for the sake of the safety and effectiveness of our troops overseas and so forth. But Congress has a very important oversight role under the Constitution; and in order to exert that role, we need information.

I applaud the gentleman for doing all that he does to try to break through this cover-up theme.

Mr. WALSH. Mr. Speaker, I continue to reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WAXMAN), the ranking member on the Government Reform Committee.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, my colleagues, one of the most important jobs for Congress is not just to pass laws but to see how the laws are working. We need to do oversight and to have investigations. The Constitution envisioned we would do this when they had us as a separate branch, and this is a way to provide the checks and balances that our Government was supposed to have in order to avoid the concentration of power in any one branch of Government.

We have an executive branch that wants to act as secretly as possible. They do not want openness. They do not want transparency. They do not even want to hear alternative points of view.

I believe that the President of the United States surrounds himself with people who tell him exactly what he wants to hear, and the Republicans who run the Congress are abetting that. They are helping him avoid getting a full discussion of the issues when Congress does not pursue oversight and investigations.

Now there are many things that this Congress has failed to do. They have failed to look at the manipulation of intelligence by the President and others working for him in the prelude to the war. We have not had any hearings on that.

They have failed to look at the issues of how we are spending the taxpayers' money on some of these contracts in Iraq, for Katrina and others. They really are not doing the diligent job that needs to be done.

□ 1100

The Congress of the United States has even refused to look at and find out why we were not given information from the executive branch about the costs of the Medicaid prescription drug bill. A civil service actuary in the administration was prohibited from giving Congress that information. You would think that Democrats and Republicans would be outraged. Yet the Republicans who run the Congress refuse to hold hearings on this.

Oversight is very important, and it stands today in stark contrast to the way they are behaving with the way the Republicans handled oversight when President Clinton was in power. There was not an accusation too small for them to ignore. They ran and called hearings. They issued subpoenas. They brought people into a private room to take depositions. The Congress of the United States held more days, I believe it was over a week of public hearings, on whether President Clinton misused his Christmas card list for political purpose. Yet we cannot get them to hold a hearing on the manipulation of intelligence to get us into a war.

I think that when a Congress does not do its oversight, in effect what they are doing is covering things up. They are not letting the American people know what its government is doing. This is not the government of the Republican Party. This is not the government of President Clinton. It is a government that belongs to the people of the United States, and our democracy cannot work if there is no accountability and transparency.

We have never heard of anyone in this administration fired for doing a poor job. In fact, if they do a poor enough job, they get elevated. They even get a Medal of Freedom award. No one was fired, no one was held accountable for the failure to have accurate intelligence before we went into the war. No one has been fired for anything that is been done improperly by this administration. It is as if it did not happen.

I think the Republicans believe if you do not have oversight, no one knows about the problem; therefore, the problem never existed. Well, I think it is wrong. We have a responsibility and it is time that we speak out loudly and clearly to insist that the Congress of the United States live up to that responsibility.

Mr. Speaker, I support the motion of the gentleman.

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, a moment ago I cited the Washington Post editorial which appeared in the paper today. I would like to read just a portion of that editorial. The editorial reads as follows:

"As The Post's Dana Priest reported yesterday, the CIA maintains its own network of secret prisons into which 100 or more terrorist suspects have 'disappeared' as if they were victims of a Third World dictatorship."

When I see references to the disappeared, my mind goes back to Presi-

dent Pinochet in Chile and the "Disappeared" under his regime. And I wonder whether or not many Americans and many Members of this Congress are comfortable with our White House being tossed into the same terminology, into the same basket as the outrageous conduct of the Chilean Government a number of years ago.

The editorial goes on to say that under the policies of the CIA with respect to these institutions "prisoners have no legal rights, no visitors from outside the CIA, and no checks on their treatment, even by the International Red Cross. . . . President Bush has authorized interrogators to subject these men to 'cruel, inhumane and degrading' treatment that is illegal in the United States and that is banned by a treaty ratified by the Senate. The governments that allow the CIA prisons on their territory violate this international law, if not their own laws."

It then goes on to point out that despite all of this, "not a single al Qaeda leader has been prosecuted in the last 4 years." It then goes on to say "the CIA has no long-term plans for its secret prisoners whom one agency official described as 'a horrible burden.'"

Then it notes that a congressional rebellion against this kind of activity is being led in the Senate by Senator McCain and that his main opponents are "a small group of civilian political appointees circled around Mr. Rumsfeld and Vice President Cheney."

The editorial then goes on to say, "According to a report in the New York Times, the military professionals want to restore Geneva's protections against cruel treatment to the Pentagon official doctrine for handling detainees. Mr. McCain is seeking to ban cruel, inhumane and degrading treatment for all detainees held by the United States, including those in the CIA secret prisons."

So I would submit, Mr. Speaker, that in addition to passing this motion today, this House needs to stand as one; every single Member of this House ought to be willing to support the retention of the McCain amendment on the defense appropriations bill. And I would hope that we would see this House finally face up to its obligations on that score.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. SKELTON), the distinguished ranking member of the Armed Services Committee.

Mr. SKELTON. Mr. Speaker, I thank my friend for yielding. I rise in support of the motion.

Mr. Speaker, I left the Armed Services Committee hearing a moment ago and I heard Command Sergeant Major Citola in a very eloquent discussion of the troops in Iraq say that we are a Nation of laws. It was heartening to hear that. Then the report from The Washington Post to which the gentleman from Wisconsin refers is a dagger in that thought.

Our men and women in uniform are serving with tremendous distinction around the world in Iraq, Afghanistan, the Horn of Africa, Korea, Germany, and many other places; and they deserve the best protection and support we can give them.

We in Congress are tasked with ensuring these troops and our veterans have all they need. They deserve the very best. Part of our job comes in providing them with the best equipment, training, and benefits. Another part is providing oversight of the policies of the administration. One of the questions that I had earlier was when the Armed Services Committee did not adopt a subcommittee on oversight or investigations.

Hearken back to the days when the Chairman of the Joint Chiefs of Staff, David Jones, raised the issue that the Joint Chiefs of Staff is not working well and that there is a lack of jointness within our military. It was the committee on investigations under the gentleman from Alabama, Bill Nichols, that worked for some 4 years and came up with the landmark law that we now call Goldwater-Nichols. That was oversight.

By oversight, we must ensure that our military forces are employed appropriately; when there are problems, that they are investigated fairly and properly, as they were in Chairman Nichols' work.

I have supported calls for more vigorous investigations of the failure in prewar intelligence on weapons of mass destruction and for a likely post-war situation in Iraq. I have also supported a Truman-like commission to look at contracting problems in Iraq. Unfortunately, those efforts have not been undertaken; and they, sadly, fell on deaf ears.

In my own Armed Services Committee there have been many efforts that have been undertaken in a bipartisan manner. This is good. A noble example is our joint effort to ensure that more up-armored Humvees and other force protection equipment reached the field despite the failure to plan adequately for their needs. That is a very positive step we did. Yet even in our committee, we need to do better when it comes to oversight in key areas of our policy relating to Iraq and the war on terror. Notably, I feel there must be additional policy and additional oversight of our treatment of detainees in theaters around the world.

The question I have, Mr. Speaker, in regard to the article to which the gentleman from Wisconsin refers, was there any connection between what the allegations are by the CIA and the Department of Defense or anyone therein. That, I think, is a matter of oversight and one that we need to at least have a briefing or a hearing thereon.

Increased oversight will allow us both to understand the systematic causes of these cases of abuse, the right solutions to be enacted into law. That is our job. The Constitution charges

the Congress with raising and maintaining the military; and you cannot raise and maintain unless you oversight, unless you understand the problems that we can cure by law. That is our job. And I think we could do a much, much better job.

Mr. WALSH. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in keeping with the spirit of this motion to instruct, the purpose of which is to protect American troops, I want to simply say that no matter how hard we try, we are going to have a difficult time doing that unless we change some unpleasant facts on the ground in Iraq. When more than 80 percent of Iraqis tell pollsters that they want America to leave their country, when almost one-half of Iraqis respond to pollsters by saying that they believe that terrorist attacks on U.S. troop are justified, we have a serious problem.

In my view, we are not going to be able to turn that around until we make clear that our policies are consistent with our interests and our professed values. We need to get to the bottom of how we got into Iraq and how we are conducting this operation in Iraq now. We need to get to the bottom of that. We need to determine who is responsible for some of the stories that we have seen in the papers the past few days; and if we do not do that, we are going to continue to invite the kind of negative opinion around the world that is plaguing our ability to succeed in Iraq. I would hope that this House would recognize that responsibility.

Mr. WALSH. Mr. Speaker, as I stated at the outset, we believe that the House position to provide an additional \$50 million in the Military Quality of Life Subcommittee appropriations bill to provide additional overhead cover system is essential. And we would go into the conference hoping that the Senate would see the wisdom of what the House has done and retain the House position.

Mr. Speaker, I yield back the balance of my time.

□ 1115

Mr. OBEY. Mr. Speaker, I yield the balance of my time to the distinguished minority leader (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished gentleman for yielding and for his leadership on this issue.

I am pleased to join the gentleman from Missouri (Mr. SKELTON) in saluting our troops. Wherever they are serving, at home or abroad, we owe them a deep debt of gratitude for their courage, for their patriotism, for the sacrifices they are willing to make for our country. We are very, very proud of them, and when they come home, we want to honor their service by giving them what they need as veterans, and those needs will be large.

Mr. Speaker, I strongly support the motion to instruct offered by the gen-

tleman from Wisconsin (Mr. OBEY). We must provide those we send in to fight in Iraq with everything they need to serve, to keep them safe and so that they can return as safe as possible.

It is tragic that more than 2½ years after the invasion of Iraq, that long a time, we are still encountering such appalling needs in the area of force protection. History will not treat kindly those who embarked on a war of choice without making sure that our troops were properly equipped. Not enough body armor, not enough jammers for protection against explosive devices, not enough armored vehicles, not enough overhead cover systems, the list goes on and on.

Once again, Congress must deal with the consequences of the Bush administration's bad planning. We have had to do it before in the appropriations bills, and we are doing it here today with the gentleman from Wisconsin's motion to instruct.

Congress has a responsibility to find out why so many things about Iraq have gone so terribly wrong. This Republican cover-up Congress has never lived up to the oversight responsibility to ask the questions.

One of the essential elements of the force protection, for example, is good intelligence. Our Nation spends billions of dollars each year on intelligence programs and activities, and when they do not produce timely and reliable intelligence, we make the American people less safe, and Congress has a duty to find out why.

The intelligence used as the justification for the administration's decision to go into war in Iraq was wrong. That Iraq possessed weapons of mass destruction, that was wrong. I said at the time that the intelligence did not support the threat that the administration was describing, but, nonetheless, the intelligence that they were using was wrong.

Given the enormous consequences of that decision, more than 2,000 American soldiers have been killed; more than 15,000 wounded, many of them permanently; more than a quarter of a trillion dollars spent; and enormous damage done to the reputation of the United States in the eyes of the world. The cost of lives and limbs and taxpayer dollars and reputation is enormous.

Congress has an obligation to identify and correct the problems that led to the production of false intelligence. Our troops are at risk until that is done; and yet, as we address other force protection issues, there is no sense of urgency to undertake a thorough review of what went wrong with the intelligence. Neither the issue of the quality of the intelligence nor the equally important issue of whether intelligence was politicized have been investigated by this Congress.

That is why shortly I will offer the House a chance to do more for force protection than provide the \$50 million in this motion to instruct, as important as that money is.

Democrats have continually asked for investigation of pre-war intelligence, and those requests have been repeatedly denied. The same is true for requests to investigate the other matters related to the war in Iraq: The prison abuse scandals, the no-bid Halliburton reconstruction contracts, the misuse of classified information to discredit administration critics.

Each of these matters has national security implications that need to be examined, particularly on the issue of going to war and the conduct of war. Congress has an obligation to make sure that decisions were made properly and that these decisions are based on truth and trust.

Until the Congress examines fully issues like whether intelligence was politicized, we have failed in a fundamental way to protect our troops and maintain a level of trust with the American people.

I urge the House to support both the Obey motion to instruct and my subsequent resolution on Iraq.

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The motion was agreed to.

QUESTION OF PRIVILEGES OF THE HOUSE

Ms. PELOSI. Mr. Speaker, because the Republican-led Congress has not conducted any investigations of abuses by the Republican administration's decision to go to war in Iraq, and because the over 2,000 American soldiers have lost their lives and more than 15,000 have been wounded, therefore, pursuant to rule IX, I rise in regard to a question of privileges of the House, and I offer a privileged resolution.

The SPEAKER pro tempore. The Clerk will report the resolution. The Clerk read the resolution, as follows:

PRIVILEGED RESOLUTION ON IRAQ

Whereas the war in Iraq has resulted in the loss of over 2,000 American lives and more than 15,000 wounded soldiers, and has cost the American people \$190 billion dollars;

Whereas the basis for going to war was Iraq's alleged possession of weapons of mass destruction (WMD) and the President made a series of misleading statements regarding threats posed by Iraq, but no weapons of mass destruction have been found;

Whereas the Republican Leadership and Committee Chairmen have repeatedly denied requests by Democratic Members to complete an investigation of pre-war intelligence on Iraq and have ignored the question of whether that intelligence was manipulated for political purposes;

Whereas the Vice President's Chief of Staff Lewis Libby has been indicted on five counts of perjury, obstruction of justice, and making false statements in connection with the disclosure of the identity of a CIA operative, and that disclosure was part of a pattern of Administration efforts to discredit critics of the Iraq war;

Whereas four separate requests to hold hearings on the disclosure of the CIA operative were denied in the Government Reform Committee, and Resolutions of Inquiry were rejected in the Intelligence, Judiciary, Armed Services, and International Relations Committees;

Whereas the American people have spent \$20.9 billion dollars to rebuild Iraq with much of the money squandered on no-bid contracts for Halliburton and other favored contractors;

Whereas Halliburton received a sole-source contract worth \$7 billion to implement the restoration of Iraq's oil infrastructure, and a senior Army Corps of Engineers official wrote that the sole-source contract was "co-ordinated with the Vice President's office";

Whereas despite these revelations, on July 22, 2004 the Republican controlled Government Reform Committee voted to reject a subpoena by Democratic Members appropriately seeking information on communications of the Vice President's office on awarding contracts to Halliburton;

Whereas prisoner abuses at Abu Ghraib prison in Iraq, Guantanamo, and Afghanistan have seriously damaged the reputation of the United States, and increased the danger to U.S. personnel serving in Iraq and abroad;

Whereas the Republican Leadership and Committee Chairmen have denied requests for hearings, defeated resolutions of inquiry for information, and failed to aggressively pursue serious allegations, including how far up the chain of command the responsibility lies for the treatment of detainees;

Whereas the oversight of decisions and actions of other branches of government is an established and fundamental responsibility of Congress;

Whereas the Republican Leadership and the Chairmen of the committees of jurisdiction have failed to undertake meaningful, substantive investigations of any of the abuses pertaining to the Iraq war, including the manipulation of pre-war intelligence, the public release of a covert operative's name, the role of the Vice President in Iraqi reconstruction, and the Abu Ghraib prisoner abuse scandal: Therefore be it

Resolved, That the House calls upon the Republican Leadership and Chairmen of the committees of jurisdiction to comply with their oversight responsibilities, demands they conduct a thorough investigation of abuses relating to the Iraq War, and condemns their refusal to conduct oversight of an Executive Branch controlled by the same party, which is in contradiction to the established rules of standing committees and Congressional precedent.

The SPEAKER pro tempore. Does the minority leader wish to offer argument on the parliamentary question whether the resolution presents a question of the privileges of the House?

Ms. PELOSI. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from California (Ms. PELOSI) is recognized.

Ms. PELOSI. Mr. Speaker, I do not hear an objection to my motion.

The SPEAKER pro tempore. The gentlewoman is recognized to offer argument on whether the resolution is privileged.

Ms. PELOSI. Mr. Speaker, I will reiterate some of what I said in the motion to instruct.

For the past 2½ years since our country has gone to war, we have paid a big price for a bad policy based on faulty intelligence which was wrong, based on

a false premise without proper planning and putting our young people at risk. In that period of time, that 2½ years, over 2,000 Americans have lost their lives. Every single one of them is precious to us, but, as the toll mounts, the grief does as well. Over 15,000 of our young people have lost their limbs, 15,000 have been injured, many of them permanently, many with loss of limb and sight, at a cost of over \$250 billion, a quarter of a trillion dollars, to the taxpayer and just endless cost to our reputation in the world.

I think it begs the question, are we safer in America because of this war? What is this war doing to the preparedness of our troops? I think that the answer to both of those is negative, and I think it calls for an examination of what the intelligence was to get us there in the first place. Was it manipulated? Why was there no plan for us to go into Iraq, a post-war plan for after the fall of Iraq, as well as an exit strategy?

The American people love freedom for ourselves and for people throughout the world, but we have to examine what the cost of this war is and why even the Republican Department of Defense has said—

Mr. YOUNG of Alaska. Mr. Speaker, regular order.

The SPEAKER pro tempore. The Chair must ask the distinguished minority leader to confine her comments to the rule IX question.

Ms. PELOSI. Mr. Speaker, I thought there was no objection and that we were just speaking on the resolution. Is that a mistake? My impression from what you said when you yielded to me was that there was no objection, and did I wish to speak on the motion.

The SPEAKER pro tempore. The minority leader was recognized on the question of whether or not her resolution presents a question of the privileges of the House.

Ms. PELOSI. Mr. Speaker, then I will just conclude by saying, can the Chair please explain why it is not in order to discuss on the floor of this House, of this great democratic institution, a situation where our young people are in harm's way, the death toll mounts, the injuries mount, the cost to the taxpayer mounts, the cost to our reputation mounts, and we have a cover-up Congress that will not investigate, will not ask any questions about the intelligence which was wrong, which got us into war in the first place and the lack of a plan providing for our troops, what they need to serve and to come home safely and soon? Why is that not in order on the floor of the House?

The SPEAKER pro tempore. The question is not whether such a debate is in order but whether the resolution is a question of privilege.

Under rule IX, questions of the privileges of the House are those "affecting the rights of the House collectively, its safety, its dignity [or] the integrity of its proceedings." A question of the privileges of the House may not be invoked to effect an interpretation of the